

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIRST DAY — THURSDAY, MARCH 22, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 65).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Christian; Hilbert; Salinas.

The invocation was offered by Reverend Reginald Blow, pastor, New Hope Church, Wichita Falls, as follows:

Everlasting God we come before you with bowed heads and open hearts. And before we dare ask you for anything we thank you for the many blessings you have bestowed on our great state. We are thankful that we have a good economy, and that we have been spared any major problems.

We are thankful for the spirit of cooperation that exists in this legislative body. We are mindful of the tremendous sacrifices that these men and women make that make up this house of representatives. We pray prophets' blessing on them. Help them and guide them as they draft laws that we must live by. Bless our governor, lieutenant governor, and all of our elected officials. These and other blessings we ask in Jesus the Christ's name. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Salinas on motion of Najera.

The following member was granted leave of absence for today because of important business in the district:

Christian on motion of Williams.

CAPITOL PHYSICIAN

The speaker recognized Representative Heflin who presented Dr. John Fieler of Houston as the "Doctor for the Day."

The house welcomed Dr. Fieler and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 22).

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 587 - ADOPTED

(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 587**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 587, Honoring Representative G. E. "Buddy" West and Shirley West of Odessa on the occasion of their 45th wedding anniversary.

HR 587 was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 587** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Pitts, who introduced Representative West and his wife, Shirley. Representative West presented his wife with a bouquet of roses. The house congratulated Representative and Mrs. West on the occasion of their 45th wedding anniversary.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Alexander on motion of Junell.

HR 579 - ADOPTED

(by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 579**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 579, Honoring the Richardson Republican Women's Club.

HR 579 was read and was adopted without objection.

HR 80 - ADOPTED
(by Denny and Hamric)

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 80**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 80, Recognizing March 22, 2001, as Texas Federation of Republican Women Day at the Capitol.

HR 80 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hamric, who introduced the president of the Texas Federation of Republican Women and the national president of the Federation of Republican Women.

HR 170 - ADOPTED
(by Grusendorf)

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HR 170**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 170, In memory of Richard B. Patten of Arlington.

HR 170 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUEST

The speaker recognized Representative Grusendorf, who introduced Mary Jo Patten, wife of Richard B. Patten.

HR 569 - ADOPTED
(by Miller)

Representative Miller moved to suspend all necessary rules to take up and consider at this time **HR 569**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 569, In memory of former Hamilton Mayor Jim Leslie Hamilton.

HR 569 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Miller, who introduced the family of the Honorable Jim Leslie Hamilton.

HR 589 - ADOPTED (by Miller)

Representative Miller moved to suspend all necessary rules to take up and consider at this time **HR 589**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 589, Recognizing March 22, 2001, as Hamilton County Day at the State Capitol.

HR 589 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Miller, who introduced a delegation from Hamilton County.

HR 584 - ADOPTED (by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 584**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 584

WHEREAS, March 24, 2001, marks the 52nd birthday of our esteemed colleague, the Honorable Paul Hilbert, confirming as fact once and for all what many of us have long known—the man wasn't born yesterday; and

WHEREAS, A native of Missouri, he earned bachelor's and master's degrees from Xavier University in Ohio before heading down to Texas to complete a law degree at South Texas College of Law and shamelessly carry on year-round with the true object of his affection—his beloved motorcycle; and

WHEREAS, Yes, underneath that staid, conservative exterior beats the heart of a Peter Fonda wanna-be, and that hasn't lessened throughout his long, slow sojourn into middle age; in fact, he has assuaged his overwhelming "need for speed" with a series of macho machines, including a Miata, a Jeep, and his present vehicles, a Corvette convertible and a Harley Sportster, having sensibly rejected the notion of owning a Dodge Viper as far too flashy, even for a native of the Show Me State; and

WHEREAS, An attorney, mediator, and business development consultant by profession, Mr. Hilbert has maintained a general civil practice in Houston since 1975; known for his civility in this chamber as well, he is in his 10th term in the house, where he serves as vice chair of the Calendars Committee and as a member of the State Affairs and Ways and Means committees and

the Texas Legislative Council, and is the leading contender for the title of Mr. Congeniality should a contest one day ensue; and

WHEREAS, His many close friends insist that his willingness to come to Austin now for more than 15 years to serve in the state legislature has absolutely nothing to do with its ready access to the winding roads of the Hill Country, where his name can be found on the wall at Harry's on the Loop, and he has often been seen out cruising on his bike; and

WHEREAS, Though he has hit a couple of rough bumps in the road of late, his colleagues take pleasure in the news that he is taking good care of himself; Representative Hilbert is rumored to be engaging in intensive sun therapy while being chauffeured about town in his chariot of choice and contemplating a purely medicinal visit to the Florida Keys, and we encourage him to pursue all means possible to make the coming year his smoothest ride yet; now, therefore, be it

RESOLVED, That the House of Representatives of the 77th Texas Legislature hereby congratulate the Honorable Paul Hilbert on the occasion of his 52nd birthday and extend to him heartfelt best wishes for blue skies ahead; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Representative Hilbert as an expression of highest regard by his colleagues in the Texas House of Representatives.

HR 584 was read and was adopted without objection.

On motion of the house, the names of all the members of the house were added to **HR 584** as signers thereof.

The members of the house gathered at the speaker's podium to send warm birthday greetings to Representative Hilbert.

HR 595 - ADOPTED (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 595**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 595, Honoring all members of the Rotary Clubs of Texas.

HR 595 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hunter, who introduced district governors of Rotary International.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Smithee on motion of Ramsay.

HCR 212 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HCR 212**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 212, In memory of Charles N. Prothro of Wichita Falls.

HCR 212 was unanimously adopted by a rising vote.

HR 520 - ADOPTED
(by Farabee)

Representatives Farabee and Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 520**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 520, Honoring the members of the Wichita Falls Board of Commerce and Industry as they celebrate Wichita Falls Day at the State Capitol.

HR 520 was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 520** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Farabee and Hardcastle, who introduced members of the Wichita Falls Board of Commerce and Industry.

HR 72 - ADOPTED
(by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 72**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 72, Honoring the dedication celebration of the Southlake Town Hall.

HR 72 was adopted without objection.

On motion of Representative Geren, the names of all the members of the house were added to **HR 72** as signers thereof.

(Swinford in the chair)

HR 535 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 535**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 535, Honoring Dr. Thomas F. Freeman of Houston on the occasion of his 50th anniversary as pastor of Mt. Horem Baptist Church.

HR 535 was adopted without objection.

HR 506 - ADOPTED
(by Tillery)

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 506**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 506, Honoring Bill Hawkins for his many years of service to the Iron Workers Union.

HR 506 was adopted without objection.

HR 500 - ADOPTED
(by Maxey and Kitchen)

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 500**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 500, Honoring Venola Schmidt on receiving the 2001 Public Citizen Award from the Austin Area Chapter of the National Association of Social Workers.

HR 500 was adopted without objection.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 3 ON THIRD READING

(Hinojosa, Gallego, Thompson, McCall, and Hochberg - House Sponsors)

SB 3, A bill to be entitled An Act relating to establishing procedures for the preservation of evidence containing DNA and postconviction DNA testing.

Amendment No. 1

Representatives Hinojosa and Keel offered the following amendment to **SB 3**:

Amend **SB 3** on 3rd Reading as follows:

- (1) Strike 2nd Reading Amendment No. 10 by Dutton.
- (2) Strike 2nd Reading Amendment No. 12 by Dutton.

Amendment No. 1 was adopted without objection. (The vote was reconsidered later today and Amendment No. 1 was withdrawn.)

(Speaker pro tempore in the chair)

A record vote was requested.

SB 3, as amended, was passed by (Record 66): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

(The vote was reconsidered later today, Amendment No. 1 was withdrawn, and **SB 3** was passed by Record 73.)

SB 331 ON THIRD READING (Swinford - House Sponsor)

SB 331, A bill to be entitled An Act relating to agricultural policy for the state.

A record vote was requested.

SB 331 was passed by (Record 67): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton;

Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Averitt; Gallego; Moreno, P.; Rangel.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1747 ON THIRD READING
(by McCall, Tillery, Bosse, Chisum, and Gallego)**

HB 1747, A bill to be entitled An Act relating to the continuation and functions of the office of the fire fighters' pension commissioner and the membership of the board of trustees of the Texas statewide emergency services personnel retirement fund.

HB 1747 was passed.

**HB 1132 ON THIRD READING
(by Thompson and Naishtat)**

HB 1132, A bill to be entitled An Act relating to guardianships and other related matters concerning incapacitated persons.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 1132**:

Amend **HB 1132** on third reading as follows:

(1) Strike SECTIONS 4 and 5 of the bill (amending Sections 676(d) and 677(b), Texas Probate Code, respectively) and substitute new SECTIONS 4 and 5 of the bill to read as follows:

SECTION 4. Section 676, Texas Probate Code, is amended by amending Subsection (d) and adding Subsections (e)-(g) to read as follows:

(d) Notwithstanding Subsection (b) of this section and Section 690 of this code, the [The] surviving parent of a minor may by will or written declaration appoint any eligible person to be guardian of the person of the

parent's minor children after the death of the parent or in the event of the parent's incapacity.

(e) After the death of the surviving parent of a minor or if the court finds the surviving parent is an incapacitated person, as appropriate [~~Unless the court finds that the person designated in the will or declaration to serve as guardian of the person of the parent's minor children is disqualified, is dead, refuses to serve, or would not serve the best interests of the minor children~~], the court shall appoint the person designated in the will or declaration to serve as guardian of the person of the parent's minor children in preference to those otherwise entitled to serve as guardian under this chapter unless the court finds that the designated guardian is disqualified, is dead, refuses to serve, or would not serve the best interests of the minor children.

(f) On compliance with this code, an eligible person is also entitled to be appointed guardian of the children's estates after the death of the parent or in the event of the parent's incapacity.

(g) The powers of a person appointed to serve as the designated guardian of the person or estate, or both, of a minor child solely because of the incapacity of the minor's surviving parent and in accordance with this section and Section 677A of this code terminate when a probate court enters an order finding that the surviving parent is no longer an incapacitated person.

SECTION 5. Section 677, Texas Probate Code, is amended by amending Subsection (b) and adding Subsections (c)-(e) to read as follows:

(b) ~~The surviving parent of an adult individual who is an incapacitated person[, because of a physical or mental condition, is substantially unable to provide food, clothing, or shelter for himself or herself, to care for the individual's own physical health, or to manage the individual's own financial affairs;]~~ may by will or written declaration appoint an eligible person to be guardian of the person of the adult individual after the parent's death or in the event of the parent's incapacity if the parent is the guardian of the person of the adult individual.

(c) After the death of the surviving parent of an adult individual who is an incapacitated person or if the court finds the surviving parent becomes an incapacitated person after being appointed the individual's guardian, as appropriate [~~Unless the court finds that the person designated in the will or declaration to serve as guardian is disqualified, is dead, refuses to serve, or would not serve the best interests of the adult individual~~], the court shall appoint the person designated in the will or declaration to serve as guardian in preference to those otherwise entitled to serve as guardian under this chapter unless the court finds that the designated guardian is disqualified, is dead, refuses to serve, or would not serve the best interests of the adult individual.

(d) On compliance with this code, the eligible person appointed under this subsection is also entitled to be appointed guardian of the adult individual's estate after the death of the individual's parent or in the event of the parent's incapacity if the individual's parent is the guardian of the individual's estate.

(e) The powers of a person appointed to serve as the designated guardian of the person or estate, or both, of an adult individual solely because of the incapacity of the individual's surviving parent and in accordance with this

section and Section 677A of this code terminate when a probate court enters an order finding that the surviving parent is no longer an incapacitated person and reappointing the surviving parent as the individual's guardian.

(2) In SECTION 30 of this bill, strike "The changes in law made by this Act to Sections 676(d) and 677(b), Texas Probate Code," and substitute "The changes in law made by this Act to Sections 676 and 677, Texas Probate Code,".

Amendment No. 1 was adopted without objection.

HB 1132, as amended, was passed.

HB 675 ON THIRD READING
(by Walker)

HB 675, A bill to be entitled An Act relating to the selection and training of certain officers of certain water districts.

HB 675 was passed.

HB 198 ON THIRD READING
(by Averitt and E. Jones)

HB 198, A bill to be entitled An Act relating to the refund of certain consumer loan acquisition charges.

HB 198 was passed.

HB 440 ON THIRD READING
(by Madden, Keel, Naishtat, and Kuempel)

HB 440, A bill to be entitled An Act relating to an uncontested election for a trustee of a library district.

HB 440 was passed.

HB 519 ON THIRD READING
(by Gallego)

HB 519, A bill to be entitled An Act relating to the compensation to victims of family violence or sexual assault for relocation and housing rental expenses.

HB 519 was passed.

HB 992 ON THIRD READING
(by Hochberg)

HB 992, A bill to be entitled An Act relating to circumstances under which a publisher or manufacturer of textbooks must maintain or arrange for a textbook depository in this state.

HB 992 was passed.

HB 1018 ON THIRD READING
(by Hardcastle, et al.)

HB 1018, A bill to be entitled An Act relating to the processing of certain applications submitted to the Texas State Board of Medical Examiners.

HB 1018 was passed.

HB 1467 ON THIRD READING
(by Maxey, Kitchen, and F. Brown)

HB 1467, A bill to be entitled An Act relating to the amount of tuition that a public junior college may set aside for Texas Public Education Grants.

A record vote was requested.

HB 1467 was passed by (Record 68): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Hardcastle; Janek; Olivo.

STATEMENT OF VOTE

When Record No. 68 was taken, my vote failed to register. I would have voted yes.

Olivo

HB 1506 ON THIRD READING
(by Yarbrough)

HB 1506, A bill to be entitled An Act relating to security costs required of a person who contests certain alcoholic beverage license applications.

HB 1506 was passed.

HB 1569 ON THIRD READING
(by Yarbrough)

HB 1569, A bill to be entitled An Act relating to a firefighters' relief and retirement fund in certain municipalities.

HB 1569 was passed.

HB 1621 ON THIRD READING
(by Coleman)

HB 1621, A bill to be entitled An Act relating to the representation of the transportation disadvantaged in mass transportation.

Representative Hill moved to table **HB 1621**.

A record vote was requested.

The motion to table was lost by (Record 69): 61 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Denny; Driver; Elkins; George; Geren; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Keel; Keffer; King, P.; Kolkhorst; Krusee; Madden; Marchant; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Shields; Smith; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Bailey; Bosse; Capelo; Carter; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, E.; Jones, J.; Junell; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Solis; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Averitt; Janek; Jones, D.; King, T.

HB 1621 was passed. (Craddick, Heflin, Marchant, and Solomons recorded voting no)

HB 1621 - REASON FOR VOTE
Motion to Table

Regarding **HB 1621** by Coleman; Mr. Coleman, the author, stated in debate that the bill was not intended to increase the possibility of lawsuits. Nevertheless, I voted to table because requiring appointment of a disabled person on each authority would have been clearer language and much more likely to achieve the result desired—ensuring the authority considers the rights of the disabled.

Clark

HB 1634 ON THIRD READING
(by P. King)

HB 1634, A bill to be entitled An Act relating to certain payments allowed in an adoption case.

HB 1634 was passed.

HB 1645 ON THIRD READING
(by Delisi)

HB 1645, A bill to be entitled An Act relating to an exemption for certain transfer students from the requirements of the Texas Academic Skills Program.

A record vote was requested.

HB 1645 was passed by (Record 70): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Dunnam; Hopson; Jones, D.; Moreno, P.

STATEMENTS OF VOTE

When Record No. 70 was taken, my vote failed to register. I would have voted yes.

Dunnam

When Record No. 70 was taken, my vote failed to register. I would have voted yes.

Hopson

HB 1737 ON THIRD READING
(by Carter)

HB 1737, A bill to be entitled An Act relating to the location of cemeteries; amending Sections 711.008 and 711.033, Health and Safety Code.

A record vote was requested.

HB 1737 was passed by (Record 71): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Averitt; Davis, J.; Ellis; Jones, D.

STATEMENT OF VOTE

When Record No. 71 was taken, my vote failed to register. I would have voted yes.

Ellis

HB 1753 ON THIRD READING (by Gutierrez)

HB 1753, A bill to be entitled An Act relating to authorizing The University of Texas—Pan American to establish an upper-division extension campus in Rio Grande City and to enter into a partnership agreement with a junior college district for lower-division courses.

A record vote was requested.

HB 1753 was passed by (Record 72): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel;

Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Grusendorf; Walker; Wise.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Appropriations, 1:00 p.m. instead of upon adjournment today, appropriations committee room.

Agriculture and Livestock, to reconvene today at 1:30 p.m., E2.014.

SB 3 - VOTE RECONSIDERED

Representative Hinojosa moved to reconsider the vote by which **SB 3** passed.

The motion to reconsider prevailed.

Amendment No. 1 - Vote Reconsidered

Representative Hinojosa moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

SB 3 ON THIRD READING

(Hinojosa, Gallego, Thompson, McCall, and Hochberg - House Sponsors)

SB 3, A bill to be entitled An Act relating to establishing procedures for the preservation of evidence concerning DNA and postconviction DNA testing.

A record vote was requested.

SB 3 was passed by (Record 73): 132 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, E.;

Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Talton; Telford; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Nay — Jones, D.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Alexander; Christian; Hilbert; Salinas; Smithee.

Absent — Allen; Chisum; Hartnett; Heflin; Hill; Madden; Nixon; Swinford; Thompson; Wolens.

STATEMENT OF VOTE

I was shown voting no on Record No. 73. I intended to vote yes.

D. Jones

RULES SUSPENDED

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 2984** and **HB 3462**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, to reconvene today at 1:30 p.m., E2.014.

Human Services, upon adjournment today, Desk 63, for a formal meeting, to consider pending business.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative A. Reyna moved that the house adjourn until 10 a.m. Monday, March 26, in memory of Pat Clayworth of San Antonio.

The motion prevailed without objection.

The house accordingly, at 12:05 p.m., adjourned until 10 a.m. Monday, March 26.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3639 (By Danburg), Relating to the expansion of the boundaries and the number of members of the board of the Upper Kirby Management District. To County Affairs.

HB 3640 (By Uher), Relating to the creation, administration, powers, duties, operation, and financing of the Coastal Plains Groundwater Conservation District and the authorization of the district to impose an ad valorem tax.

To Natural Resources.

HR 590 (By Ellis), Honoring Charles Tackett of Corpus Christi for 50 years of service as a law enforcement officer.

To Rules & Resolutions.

HR 593 (By Chavez), Honoring Jetta E. Roberts of El Paso for her community service.

To Rules & Resolutions.

HR 594 (By Gallego), Honoring the sister city union of Eagle Pass, Texas, and Piedras Negras, Coahuila, Mexico.

To Rules & Resolutions.

SB 154 to Public Safety.

SB 187 to State Affairs.

SB 201 to County Affairs.

SB 210 to Public Education.

SB 390 to State Affairs.

SB 487 to Transportation.

SB 510 to Urban Affairs.

SB 695 to State Affairs.

SB 738 to Urban Affairs.

SCR 41 to Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 22

HCR 178, HCR 194, HCR 220

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Thursday, March 22, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 11** Nelson

Relating to protecting the privacy of medical records; providing penalties.

SB 303 Lucio

Relating to the functions of the State Commission on Judicial Conduct.

SB 626 Duncan

Relating to liens on certain property related to certain criminal offenses and the effect of forfeiture of that property; providing penalties.

SB 707 Carona

Relating to collateral protection insurance.

SB 799 Duncan

Relating to requiring state agencies to perform exit interviews with employees.

SB 950 Truan

Relating to special license plates for passenger cars and light trucks owned by or used for the transportation of veterans with disabilities.

SB 1165 Truan

Relating to the qualifications for appointment as the adjutant general.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Thursday, March 22, 2001 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**LOCAL AND UNCONTESTED CALENDAR****SB 225** Shapleigh

Relating to a border corridor transportation plan.

SB 285 Nelson

Relating to cancer incidence reporting.

SB 304 Lucio

Relating to the continuation and functions of the State Aircraft Pooling Board.

SB 337 Madla

Relating to allowing certain hospital districts to vote for appraisal district directors.

SB 477 Bernsen

Relating to credit in the Teacher Retirement System of Texas for certain out-of-state service.

SB 496 Shapleigh

Relating to a study of barriers to providing binational health benefit plan coverage.

SB 518 Lucio

Relating to public school counselors.

SB 575 Staples

Relating to applicability of the Texas Youth Camp Safety and Health Act to a private or independent institution of higher education.

SB 587 Duncan

Relating to the analysis of, and certain measures that address, the staffing needs of state agencies.

SB 613 Haywood

Relating to the operation of the Castro County Hospital District.

SB 625 Duncan

Relating to the electronic storage of records by the court of criminal appeals.

SB 636 Armbrister

Relating to the analysis and review of mental illness treatment programs for certain juvenile and adult offenders.

SB 650 Carona

Relating to the composition of and membership on an appraisal review board.

SB 685 Madla

Relating to transfer of the regulation of riding stables to the Texas Animal Health Commission from the Texas Department of Health.

SB 691 Moncrief

Relating to the creation of an assisted living facility trust fund.

SB 694 Wentworth

Relating to the confidentiality of credit card, debit card, and access device numbers that are collected, assembled, or maintained by a governmental body.

SB 697 Wentworth

Relating to the regulation of the practice of professional engineering.

SB 723 Bernsen

Relating to the probate and administration of a decedent's estate.

SB 739 Wentworth

Relating to the powers and duties of the board of managers of certain joint municipal and county hospitals, including the power to issue revenue bonds.

SB 777 Barrientos

Relating to applications for disabled parking placards.

SB 788 West, Royce

Relating to certain suits by perpetual care cemetery plot owners.

SB 797 Wentworth

Relating to the creation of an additional county court at law in Guadalupe County.

SB 831 Moncrief

Relating to the establishment of a medical assistance buy-in pilot program for certain persons with disabilities.

SB 834 Moncrief

Relating to electronic access to health and human services information.

SB 867 Nelson

Relating to the creation, operation, and duties of a joint interim task force to study various issues affecting personal privacy.

SB 884 Lucio

Relating to eligibility to vote in an election held by an irrigation district.

SB 926 Shapiro

Relating to the abolition of the Collin County Water Authority.

SB 936 Armbrister

Relating to floodplain management and flood insurance; providing a criminal penalty.

SB 938 Armbrister

Relating to the duties of the Department of Agriculture and certain agricultural boards.

SB 969 Bivins

Relating to the Deaf Smith County Hospital District.

SB 989 Ogden

Relating to the mission of Prairie View A&M University.

SB 994 Sibley

Relating to loss control programs for insurance companies.

SB 1014 Ogden

Relating to the service areas of certain junior college districts.

SB 1071 Armbrister

Relating to contested case hearings regarding applications for certain environmental permits.

SB 1089 Truan

Relating to eligibility for Vietnam veteran license plates.

SB 1140 Carona

Relating to reemployment of a member of the state military forces by a private employer.

SB 1323 Sibley

Relating to the recognition of certain foreign partnerships, associations, and other entities and the enforcement of related rights and obligations.

SCR 5 Shapleigh

Memorializing congress to amend federal law pertaining to membership on policy committees of metropolitan planning organizations and allow inclusion of persons representing another nation to enable MPOs along the border to work closely with their counterparts in Mexico.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 21

Energy Resources - **HR 359**

Financial Institutions - **HB 1385, HB 1460, HB 2153, SB 585**

Higher Education - **HB 1417**

Insurance - **HB 949**

Natural Resources - **HB 1784, HB 2432**

Pensions & Investments - **HB 927, HB 1503, HB 1573, HB 2255**

Public Education - **HB 946, HB 1374, HCR 122**

State Affairs - **HB 1021, HB 1430, SB 15**

Transportation - **HB 2173, SB 407**

Urban Affairs - **HB 1450, HB 2220, HB 2440**

ENGROSSED

March 21 - HB 757, HB 958, HB 1086, HB 1264, HB 1402, HB 1632, HB 1683, HJR 1

ENROLLED

March 21 - HCR 178, HCR 194, HCR 220

